

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LOUIS SEAN BODWAY,)
)
 Plaintiff,)
)
 v.) No. 4:13-CV-276-AGF
)
 BRENDAL MALLARD, M.D.,)
)
 Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiffs' second amended complaint [Doc. #31-1].

42 U.S.C. § 1997e(g)(2)

Pursuant to 42 U.S.C. § 1997e(g)(2), the Court may require any defendant to reply to a complaint brought by a prisoner pursuant to 42 U.S.C. § 1983 or any other federal law if it finds that the plaintiff has a reasonable opportunity to prevail on the merits. Moreover, 28 U.S.C. § 1915A requires the Court to identify any cognizable claims that would survive dismissal.

A review of the second amended complaint indicates that plaintiff's Fourteenth Amendment claims against defendant Brenda Mallard, M.D., survive review under 28 U.S.C. § 1915(e)(2)(B) and should not be dismissed at this time. Therefore, the Court

will order defendant to file a responsive pleading to the second amended complaint in accordance with the Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that, pursuant to this Court's differentiated case management system, this case is assigned to Track 5B (prisoner actions-standard).

IT IS FURTHER ORDERED that defendant Brenda Mallard, M.D., shall reply to the second amended complaint within the time provided by the applicable provisions of Rule 12(a) of the Federal Rules of Civil Procedure. *See* 42 U.S.C. § 1997e(g)(2).

IT IS FURTHER ORDERED that the Clerk of Court shall docket this case as *Louis Sean Bodway v. Brenda Mallard, M.D.*

Dated this 4th day of June, 2013.



UNITED STATES DISTRICT JUDGE